

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L SECTION 01 OF 03 TEGUCIGALPA 001742

SIPDIS

STATE FOR WHA, WHA/CEN, STATE FOR WHA/PPC, DRL/PHD, DRL/IL,
INL/LP, INR, AND DS

E.O. 12958: DECL: 06/06/2013

TAGS: PHUM PGOV SNAR KCRM KJUS HO

SUBJECT: HUMAN RIGHTS REPORT ON LA CEIBA PRISON MASSACRE
FAULTS POLICE, ARMED FORCES, AND PUBLIC MINISTRY

REF: A. TEGUCIGALPA 861

B. TEGUCIGALPA 1309

Classified By: Political Section Chief, Francisco Palmieri; Reasons 1.5
(b) and (d).

11. Summary. (SBU) On July 9, Human Rights Commissioner for Honduras, Ramon Custodio, presented the results of the Commission's investigation into the April 5 massacre of 68 prisoners at the El Porvenir Prison, located outside of the Caribbean port city of La Ceiba. The report supported allegations that elements of the police and military were involved in the deaths of prisoners, charging that security forces executed unarmed gang members who attempted to surrender to authorities (Reftel B). The report states that the 25 individuals who burned to death (23 Mara-18 members and 3 female visitors) witnessed the execution of other inmates who had surrendered, and thus, may have chosen to remain in their burning cells, rather than face summary execution. The report alleges that prior to the arrival of military and police forces, only 10 of the 68 deaths had occurred. It charges that nearly all of the remaining deaths can be attributed to police and military forces. Furthermore, the report implicates the police in a cover-up of the executions committed by military and police units, while also faulting the Public Ministry's shoddy forensics testing and mishandling of the crime scene. End Summary.

The Violence Begins

12. (C) According to the report, the violence began when between five and ten Mara-18 gang inmates brandishing firearms, shot and killed several prison "trusties" (non-gang member inmates charged with enforcing discipline in the prison). (Note: The report suggests as a possible motive for the attack, that gang members may have sought retribution for a prison raid on April 3 in which trusties and prison security confiscated 4 machetes, 16 knives and 8 firearms from cells 2 and 6, where gang members resided. "Trusties" and prison security authorities then sentenced gang members to 48 hours of solitary confinement. The report notes that the gang members were released from isolation the morning of the massacre. Furthermore, the report also places blame on an unauthorized transfer of 30 Mara-18 inmates from a federal prison at Tamara to El Porvenir on February 6, 2003, which may have disturbed the balance of power between gang and non-gang members, leading to conflict. Separately, conventional wisdom here is that this importation was a showdown between different prison elements over control of the drug trade in the prison.)

Police, Military Forces Arrive, Chaos Ensues

13. (C) The report contends that when prison security units arrived, only five individuals had been killed. Shortly after prison security deemed the area under control, numerous different police and military forces arrived, including the Preventive Police Special Forces (COBRA), elements of the First Battalion of Marine Infantry, Tourist Police, prison police, and members of the Fourth Infantry Battalion, who were apparently confronted by a mob yelling for the police to kill Mara-18 gang members. According to the Commission's report, security forces entered the prison and opened fire on unarmed gang members and either condoned or encouraged the remaining trusties to kill those gang members who lay wounded throughout the prison courtyard. Subsequently, the "trusties," set fire to the cellblocks where the majority of gang members resided. Some witness testimonies indicate that kerosene from the prison kitchen was used to ignite the fire, while others point to the use of gasoline.

14. (C) The report further contends that police and military authorities then ordered inmates in cellblocks 2 and 6 to surrender. The prisoners surrendering, who were unarmed and with hands in the air, were then summarily executed by armed security agents, who have since alleged that they were following orders from "trusties." Autopsy reports confirm eyewitness testimonies that police units were responsible for

the deaths of unarmed prisoners. Direct testimony also exists implicating a COBRA in the killing of an unarmed, wounded man.

25 Burn to Death, Others Executed

15. (C) The report states that, according to witness testimonies, most of the gang members were not involved in the violence and voluntarily returned to their cells once shooting began. Gang members who retreated to their cells left cellblock doors open with the exception of cell block 6, whose door was partially obstructed, trapping prisoners inside. The report suggests that many of the remaining inmates witnessed or heard the executions of those who had surrendered, and subsequently chose to remain in their burning cellblocks, rather than face execution. 22 inmates and 3 female visitors burned to death as the fire consumed two contiguous cell blocks.

Crime Scene Contaminated, Investigation Incomplete

16. (C) According to the report, the integrity of the crime scene was compromised by prison "trusties" and police who moved bodies and "tampered" with evidence prior to the 11AM orders from Commissioner Henriquez not to contaminate the crime scene. Additionally, the report outlines a litany of criticisms of the Public Ministry's investigation. Bodies prematurely removed from the crime scene were left to decompose in the heat for days before being analyzed by forensic experts. Limited forensics testing was conducted to determine the cause of death of most victims, and no analysis was done of the carbon dioxide levels in the blood of the deceased (to determine if the cause of death was fire). Most of the bullets were not removed from the bodies of the deceased. Consequently, without the requisite forensic analyses, x-rays or comprehensive ballistics tests, the exact cause of death of most victims was never adequately determined.

17. (C) The autopsies that were conducted largely document external, rather than internal lesions, indicating only a superficial examination of the bodies. To date, 15 bodies remain in the San Pedro Sula morgue and have yet to be officially identified, nor has any fingerprint testing been employed as a means of identification. According to the report, ballistics investigators failed to identify the types of arms used during the riot, and thus, were unable to determine the exact cause(s) of death.

Public Ministry Faulted For Incomplete Investigation

18. (C) The report also directed criticism at the Public Ministry for its failure to execute a swift, thorough and proper investigation. The report urges the Public Ministry to expedite the four cases it has developed against specific individuals involved in the violence and to clarify the charges it intends to bring against the individuals. Additionally, the report calls for new ballistics tests, autopsy reports and asks the Minister of Security to present prosecutors with a complete list of all individuals present during the killings. Additionally, the report recommends a revamping of the discipline system in the prison and the elimination of the role of prison "trusties." The report asks police to identify the trusties killed and investigate all of the parties involved. Finally, it criticizes the Director of MOPS Special Preventative Services for ordering the premature and unauthorized relocation of Mara 18 gang members from the prison to other prisons on February 6.

19. (C) Comment. The Honduras Human Rights Commission is a well respected institution that works closely with Post on a number of issues. The Commission's findings support the Honduran Internal Security Council's May 9 report that assigned responsibility to GOH security forces for the vast majority of the deaths at El Porvenir prison on April 5. The Commission's report, however, arrives at much more damaging and far-reaching conclusions, including the identification of the specific military units that were involved. It remains to be seen exactly what corrective and prosecutorial measures the GOH plans to pursue regarding the incident, apart from the mere window dressing of changing the prison warden. Unfortunately, the extreme unpopularity of gang members, who are seen by the Honduran public as the source of much of the violence plaguing Honduras today, is unlikely to evoke broader public outcry on human rights grounds. End Comment. Palmer